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January 30, 2024

Hon. George C. Hanks, Jr.
United States District Court
Southern District of Texas
515 Rusk St., Room 6202
Houston, TX 77002

Re: Case No. 4:23-cv-01818; *Trottier v. Sysco Corporation*

Dear Judge Hanks,

We represent Plaintiff Joseph Trottier (“Plaintiff”), individually and on behalf of all others similarly situated. We write to request that, pursuant to Fed. R. Civ. P. 54(b), the Court enter the attached [Proposed] Amended Order Granting Plaintiffs’ Motion For Appointment of Interim Co-Lead Class Counsel Under Fed. R. Civ. P. 23(G)(3) (“Proposed Amended Order”), which will correct an inadvertent omission on our part of a provision appointing Brandon Wise of Peiffer Wolf Carr Kane Conway & Wise, LLP and Daniel Srourian of Srourian Law Firm, P.C. as members of the Plaintiffs’ Executive Committee and Interim Class Counsel.

Plaintiff, in the Motion for Appointment of Interim Co-Lead Class Counsel Under Fed. R. Civ. P. 23(g)(3) (“Motion for Appointment”), requested the following:

“...for the appointment of Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC (“Milberg”) and Ryan D. Maxey of Morgan & Morgan Complex Litigation Group to serve as Interim Co-Lead Class Counsel (“Proposed Interim Co-Lead Class Counsel”) **and Brandon Wise of Peiffer Wolf Carr Kane Conway & Wise, LLP and Daniel Srourian of Srourian Law Firm, P.C. as members of the Plaintiffs’ Executive Committee** (collectively with Proposed Interim Co-Lead Class Counsel, “Proposed Interim Class Counsel”) for the Proposed Class under Federal Rule of Civil Procedure 23(g)(3).”

Motion for Appointment, p. 3. (emphasis added).

The Proposed Order, however, did not include language pertaining to the appointment of Brandon Wise of Peiffer Wolf Carr Kane Conway & Wise, LLP and Daniel Srourian of Srourian Law Firm, P.C. as members of the Plaintiffs’ Executive Committee.

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The Proposed Amended Order makes one amendment to correct this omission by amending the following provision at Section A.1:

2. Plaintiffs' Executive Committee

The Court appoints Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC ("Milberg") and Patrick A. Barthle of Morgan & Morgan Complex Litigation Group, as Interim Co-Lead Class Counsel for all Plaintiffs, and William B. Federman of Federman & Sherwood, Brandon Wise of Peiffer Wolf Carr Kane Conway & Wise, LLP, and Daniel Srourian of Srourian Law Firm, P.C. as members of the Plaintiffs' Executive Committee.

The Court has the power to amend an interlocutory order pursuant to Federal Rule of Civil Procedure 54(b), which provides that "any order ... that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties ... may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities." Fed. R. Civ. P. 54(b); *see also Melancon v. Texaco, Inc.*, 659 F.2d 551 (5th Cir. 1981) ("As long as a district (or an appellate) court has jurisdiction over the case, then (in absence of prohibition by statute or rule), it possesses the inherent procedural power to reconsider, rescind, or modify an interlocutory order for cause seen by it to be sufficient.").

We therefore respectfully request that the Court grant and enter the Proposed Amended Order.

Respectfully yours,

/s/ Gary M. Klinger
Gary M. Klinger

Cc: all counsel of record (via ECF)